



Attachment B

Workgroup Meeting Notes

Attachment B
Sand and Gravel Rule Workgroup
Summary of Notes from the Meetings

September 9, 2002

Groundrules

Respect

- Each other
- Each other's point of view
- Time

Keep on topic

Workgroup's purpose

From Land Reclamation Commission: To propose a set of rules for instream sand and gravel mining that protects streams while allowing for mining.

- Propose rules to the Land Reclamation Commission to consider
- By Commission's January 2003 meeting

Hope to have our discussions completed by November.

Working towards consensus from the workgroup. Will do so by voting on the recommendations for rules. Suggest that if the vote is not unanimous the proposal provided to the Commission can also contain a statement of dissent elaborating concerns and suggestions from the minority votes cast.

Concern raised on the makeup of the workgroup – was it balanced evenly reflecting viewpoints? Will discuss further after the workgroup has had an opportunity to work together.

A possibility may be to set up a subgroup that may vote, rather than the whole group.

Basic Understanding

There are three different types of streams...A, B and C. Does the program have the legal grounds to be setting rules for Type C (the smaller streams)?

Desire to maintain private property rights

We need to know how other permits and other parts of a land reclamation permit fit into this, i.e. the stream protection plan.

Keep in mind there are or can be costs to business with any change. These costs are passed onto the consumer.

There is diversity in the types of stream environments in Missouri. How can we develop one set of rules that address this diversity?

Staff to research answers to the following:

- What is the authority of the program to establish these rules, especially for Type C streams?
- How and when would these rules be put into effect? What will be the effect on current permits?
- How can we deal with consistency issues when dealing with variances and changes in staff?
- Where did the 1.5 “ diameter breast height woody vegetation provisions come from in Rules 1 and 2?

October 22, 2002

After lunch the workgroup decided to suspend the agenda set at the beginning of the meeting (suspended at the parking lot items). Instead, Bill Turner presented information on the dynamics of streams in response to sand or gravel mining. Questions and discussion were held at the same time. Following the presentation, concerns or considerations about instream sand and gravel mining were gathered from the workgroup.

Concerns/considerations from the workgroup

- Size of the stream
- Gaining or losing streams
- Economic impact – on operators, landowners, users – such as local governments, builders, state agencies (MODOT), the general public
- Gravel accretion in streams
- Streambank erosion – blowouts
- Who the regulations effect. Currently included in statute – private landowners, commercial operators, and local governments.
- If counties are allowed to mine with their own equipment and no permit needed, is that discriminatory against operators?
- Scientific literature is being downplayed
- Decreased aquatic diversity
- Need general enough rules and regulations to allow for the diversity of Missouri’s topography and situations.
- Effects from urbanization – large and small
- Need local source of sand
- Ask that urban practices treated the same as rural

- Rural impacts from mining not as great as urban impact from growth
- In some areas, floodplains have overburden that is too costly to remove for sand and gravel
- We can have instream mining and protect stream resources together
- The economic impact is disproportionate. Heavier on rural areas.
- Keep rules and regulations based on known science
- Consider permit by rule
- Variances not the answer

November 12, 2002

Process to gather majority/minority opinions on draft rule proposals

The workgroup agreed to the following:

- ☐ No state or federal employees will have a dot to indicate the option supported.
- ☐ Others present (listed below) will have one dot to place by the option supported.
- ☐ The entity represented by the dot may be written on the dot and recorded in the notes
- ☐ Each item will be discussed separately using the draft rules provided by the Land Reclamation Program as the template (15 proposed rules)
- ☐ The top 3 options supported will be provided to the Land Reclamation Commission as recommendations.
- ☐ Those in the minority can draft a dissenting opinion to go with the recommendations.

The workgroup was provided three documents with proposed rules: one provided by the Land Reclamation Program at the first meeting (this one includes several proposals sent in during October); one provided by the Sierra Club; and one provided by the Missouri Concrete Association.

The following were present at the November meeting (24 people other than state or federal employees)

Private individuals (3)
 Missouri Smallmouth Bass Alliance/landowner
 Ozark Fly Fishers/landowner
 Farm Bureau/landowner
 Ozark Property Rights Congress/landowner
 Missouri Stream Team/landowners (2)
 County Commission/landowners (3)
 County Planning Commission/landowner
 Producer
 Landowners (2)
 Producer/landowner
 Farm Bureau/landowner
 Coalition for the Environment
 Construction business/landowner

Sierra Club/landowner
American Fisheries Society
Producer/association/landowner (2)
State and federal employees

The facilitator asked the question: will you help the program draft proposals for rules?

Yes - 18
No - 7
Other – 3

The facilitator asked the question: should the guidelines become rules (not referring to any specific guidelines or rules, just the concept)?

Yes – 11 including Sierra Club, Coalition for the Environment, Stream Team, producer, Ozark Fly Fishers

No – 12 including county commission (3), Ozark Property Rights Congress, Farm Bureau, planning commission